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6 **IN THE UNITED STATES DISTRICT COURT FOR THE**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 **RODGER L. McAFFEE,**) **CV F 96-5720 AWI SMS**
10) **CV 05-0438 AWI DLB**
11)
12 **UNITED STATES OF AMERICA, MIKE JOHANNS, Secretary of the**) **ORDER VACATING**
13 **Department of Agriculture, and JAMES R. LITTLE, Administrator of Farm**) **HEARING DATE OF**
14 **Services Agency,**) **NOVEMBER 21, 2005 AND**
15) **TAKING MATTER UNDER**
16) **SUBMISSION**
17)
18 **Defendants.**)
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20 On October 16, 2005, plaintiff Rodger L. McAfee, noticed for a motion for
21 reconsideration of the court's order of October 6, 2005, granting Defendants' motion to dismiss
22 case number 05-0438. The matter was scheduled for oral argument to be held November 21,
23 2005. The Court has reviewed McAfee's motion, United States' opposition, McAfee's response,
24 and related filings. The court has determined that the motion is suitable for decision without oral
25 argument. Local Rule 78-230(h).

26 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of November
27 21, 2005, is VACATED, and no party shall appear at that time. As of November 21, 2005, the
28 Court will take the matter under submission, and will thereafter issue its decision.

1 IT IS SO ORDERED.

2 Dated: November 18, 2005
h2ehf

3 /s/ Anthony W. Ishii
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